

REMARKS

Claims 1-24 are all the claims pending in the application.

Allowable Subject Matter

Applicants thank the Examiner for indicating claims 1-9, 12-22 and 24 are allowed.

Claim Rejections – 35 U.C.S. 102(a)

The Examiner rejected claims 10, 11 and 23 as being anticipated by Applicants' admitted prior art (APA) on page 3, line 15 through page 4, line 20 of the present specification.

The Examiner contends the APA discloses all the features of claims 10, 11 and 23. Applicants respectfully disagree for the reasons set forth below.

Claim 10 recites, *inter alia*, "said base station control unit has means for notifying each base station of a link set-up base station number that is the number of said base stations having radio links set up with said mobile station." Applicants submit that no portion of the APA discloses: (1) a link set-up base station number that is the number of said base stations having radio links set up with said mobile station; or (2) means for notifying each based station of such a link set-up base station number.

While the APA discloses the mobile station transmits the code word representing the combination of the base station identifiers of the base stations determined as the transmitting base stations, no portion of the APA discloses anything about the number of base stations having radio links set up with said mobile station. Further, no portion of the APA discloses that any such number is notified to other base stations using the base station control unit.

In this Office Action, the Examiner contends:

The APA further discloses a base station control unit for controlling the base stations having the links set up determines base station identifiers of the plurality of base stations for having the links set up respectively when the mobile station starts the soft handover. It is noted that the code words having the respective base station identifiers is transmitted to each base station is under the control of the base station control unit, which reads on the claimed limitation.

In contrast, Applicants respectfully submit that the base stations determined as the transmitting base stations do not correspond to *number of said base stations having radio links set up with said mobile station*, as recited in claim 10. In this regard, the APA clearly establishes:

The base stations transmit pilot signals at a predetermined power, and the mobile station measures the reception quality of the pilot signals transmitted by the base stations having the links set up, **so that base stations of high reception quality is determined as the transmitting base stations.**

(*Specification*, p. 3, lines 15-22).

Thus, those base stations having radio links set up which have a low reception quality are not represented in code words because there are not determined to be transmitting base stations. Consequently, of all the base stations having radio links set up, only those of high reception quality are represented in code words. Therefore, the code words do not represent the number of base stations having links set up, such as those of low reception quality.

In conclusion, Applicants submit that the number of base stations having radio links set up with said mobile station cannot be determined from the code words.

Thus, Applicants submit claim 10 is allowable for at least this reason.

Regarding claim 11, Applicants respectfully submit the APA fails to disclose, at least, “base stations having radio links set up with said mobile station and a base station control unit assigning base station identifiers to said base stations in a predetermined order, wherein said base station control unit has first means for notifying each base station of the base station identifiers assigned to said base stations.”

The Examiner contends the APA discloses this feature by alleging “because each base station has its own identifier that is allocated by the control unit, and given the defined code words of the APA representing the combinations of the base station identifiers that are communicated to each base station having the link set up, would require a predetermined ordered identifiers within each code word. (Office Action, p. 4)” However, Applicants respectfully submit that neither this portion of the APA, nor any other portion of the APA disclose that it is the base station control unit that assigns base station identifiers to said base stations, or further, notifies each base station of the identifiers.

In particular, the APA merely determines which base station identifiers correspond to the base stations having links set up. Rather, the base station control unit of the APA merely defines code words that represent combinations of these base station identifiers. Furthermore, no portion of the APA discloses that the base stations are notified of any base station identifier by the base station control unit. These features are not disclosed in the APA or inherent within the APA. In fact, no portion of the APA discloses that the base station control unit does any assigning of base station identifiers or notifying of the same.

Further, the Examiner contends that the feature “assigning base station identifiers to base stations in predetermined order” is not given patentable weight because this recitation occurs in the preamble. However, in response, Applicants submit because this phrase is recited after the term “comprising,” this is not part of the preamble and should be given patentable weight.

Additionally, as claim 11 recites first means for notifying each base station of the base station identifiers assigned to said base stations, all the base station identifiers assigned to the base stations are notified to each base station. For example, in the case where a base station A and a base station B have radio links set up with the mobile station, the base station control unit notifies the base station A of not only a base station identifier assigned to the base station A, but also a base station identifier assigned to the base station B. The APA also fails to disclose this feature.

Thus, Applicants submit claim 11 is allowable for at least this reason.

Regarding claim 23, Applicants submit the APA fails to disclose:

a base station control unit assigning base station identifiers to said base stations in predetermined order, the method comprising:

notifying each base station of said base stations of the base station identifiers assigned to said base stations which are radio links set up with said mobile station.

Consequently, as these features are similar to the features discussed above with regard to claim 11, Applicants submit claim 23 is allowable, at least, for the same reasons set forth above with regard to claim 11.

Further, because all the apparatus features recited in claim 23 follow the term “including,” Applicants submit the Examiner’s contention that these features are merely part of the preamble is improper. (*See* rejoinder rules MPEP § 821.04 for allowance of a method claim that requires all the limitations of an allowed product claim). Obviously, this is based on the premise that the produce limitations are to be given patentable weight.

Thus, Applicants submit the rejection of claim 23 is in error for this additional reason.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

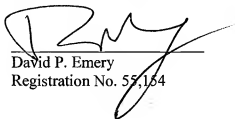
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